



the army LAWYER

HEADQUARTERS, DEPARTMENT OF THE ARMY

Department of the Army Pamphlet
27-50-96
December 1980

TABLE OF CONTENTS

Subject Index	2
Title Index	12
Author Index	14
The Judge Advocate General's Opinions	16
Digests—Article 69, UCMJ Applications	25
Legal Assistance Items	27

Army Lawyer Cumulative Index

This edition of The Army Lawyer contains a subject, title, and author index of all articles appearing in The Army Lawyer from December 1979 through November 1980. The Judge Advocate General's Opinions (Digests), Article 69, UCMJ, Applications (Digests), and Legal Assistance Items published in the December 1979 through November 1980 issues are included as separate indexes. References to The Army Lawyer are by month and page. A subject, title and author index of all articles published in The Army Lawyer from November 1978 through November 1979 appears in the December 1979 issue. A cumulative index of all issues prior to November 1978 appears in the October 1978 issue.

The Judge Advocate General
Major General Alton H. Harvey
The Assistant Judge Advocate General
Major General Hugh J. Clausen
Commandant, Judge Advocate General's School
Colonel David L. Minton
Editorial Board
Colonel William K. Suter
Colonel W. K. Myers
Major Percival D. Park
Editor
Captain Connie S. Faulkner
Administrative Assistant
Ms. Eva F. Skinner

The Army Lawyer (ISSN 0364-1287)

The Army Lawyer is published monthly by the Judge Advocate General's School. Articles represent the opinions of the authors and do not necessarily reflect the views of The Judge Advocate General or the Department

of the Army. Masculine or feminine pronouns appearing in this pamphlet refer to both genders unless the context indicates another use.

The Army Lawyer welcomes articles on topics of interest to military lawyers. Articles should be typed double spaced and submitted to: Editor, *The Army Lawyer*, The Judge Advocate General's School, Charlottesville, Virginia, 22901. Articles should follow *A Uniform System of Citation* (12th ed. 1976). Manuscripts will be returned only upon specific request. No compensation can be paid for articles.

Individual paid subscriptions are available through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The subscription price is \$12.00 a year, \$2.00 a single copy, for domestic and APO addresses; \$15.00 a year, \$2.50 a single copy, for foreign addresses.

Issues may be cited as *The Army Lawyer*, [date], at [page number].

Subject Index
The Army Lawyer
December 1979 - November 1980 Issues

-A-

ADMISSIONS, *see* CONFESSIONS AND ADMISSIONS

ADVANCED NCOES COURSE

Educational Opportunities for Legal Clerks and Court Reporters, *by* CW3 Joseph Nawahine, AL, Sep. 1980, at 5.

ALCOHOL ABUSE

Scope of the Alcohol and Drug Abuse Prevention and Control Program's Exemption Policy, *by* MAJ Joel R. Alvarey, AL, Aug. 1980, at 12.

AMERICANS ABROAD, PROTECTION OF

International Law and the American Hostages in Iran, *by* Dr. Walter L. Williams, Jr., AL, Feb. 1980, at 30.

ANTI-DEFICIENCY ACT

DOD Directive 7200.1 and the Army's Proposed Dollar Target System: Are Allowances Allowable?, *by* MAJ Walter B. Huffman, AL, Apr. 1980, at 19.

APPREHENSIONS

Be it ever so Humble, There's no Place Like Home, *by* MAJ Stephen A. J. Eisenberg, AL, Feb. 1980, at 28.

Problem of Custodial Questioning After Dunaway v. New York, The, *by* CPT Timothy J. Grendell, AL, Sep. 1980, at 8.

ARTICLE 2, U.C.M.J.

Personal Jurisdiction Under Article 2, UCMJ Whither Russo, Catlow, and Brown?, *by* CPT (P) David A. Schlueter, AL, Dec. 1979, at 3.

ARTICLE 27, U.C.M.J.

Tempia, Turner, McOmber and the Military Rules of Evidence: A Right to Counsel Trio with the New Look, *by* CPT (P) David A. Schlueter, AL, Apr. 1980, at 1.

ARTICLE 31, U.C.M.J.

Bodily Evidence and Rule 312, M.R.E., *by* CPT (P) David A. Schlueter, AL, May 1980, at 35.

Mental Evaluations of an Accused Under the Military Rules of Evidence: An Excellent Balance, *by* MAJ Vincent P. Yustas, AL, May 1980, at 24.

Military Rules of Evidence: An Advocate's Tool, The, *by* CPT Lee D. Schinasi, AL, May 1980, at 3.

Tempia, Turner, McOmber and the Military Rules of Evidence: A Right to Counsel Trio with the New Look, *by* CPT (P) David A. Schlueter, AL, Apr. 1980, at 1.

ARTICLE 46, U.C.M.J.

Witness Production and the Right to Compulsory Process, *by* CPT (P) Richard H. Gasperini, AL, Sep. 1980, at 22.

ARTICLE 51, U.C.M.J.

Military Rules of Evidence and the Military Judge, The, *by* LTC Herbert Green, AL, May 1980, at 47.

ARTICLE 72, U.C.M.J.

Do Not Pass Go; Do Not Collect \$200 . . . Your Suspended Sentence Has Been Vacated Pursuant to Article 72 UCMJ!, *by* MAJ Stephen A. J. Eisenberg, AL, Jan. 1980, at 5.

ARTICLE 82 OF PROTOCOL I

Impact of Article 82 of Protocol I to The 1949 Geneva Conventions on the Organization and

Operation of a Division SJA Office, The, *by CPT Michael C. Denny*, AL, Apr. 1980, at 14.

-B-

BODILY EVIDENCE

Bodily Evidence and Rule 312, M.R.E., *by CPT (P) David A. Schlueter*, AL, May 1980, at 35.

BULLION, JOHN E., V. CITY OF PHILADELPHIA

City of Philadelphia v. John E. Bullion*—The Federal Enclave is not a Sanctuary, *by CPT Stewart M. Weintraub*, AL, Jan. 1980, at 15.

-C-

CIVILIANIZATION OF MILITARY JUSTICE

Some Comments on the Civilianization of Military Justice, *by Chief Judge Robinson O. Everett*, USCMA, AL, Sep. 1980, at 1.

COLLECTIVE BARGAINING

Union Representation of Federal Employees at "Formal Discussions" and "Investigative Examinations," *by CPT John T. Burton*, AL, Jun. 1980, at 14.

COMPULSORY PROCESS

Witness Production and the Right to Compulsory Process, *by CPT (P) Richard H. Gasperini*, AL, Sep. 1980, at 22.

CONFESSIONS AND ADMISSIONS

Admissibility of Polygraph Results under the Military Rules of Evidence, *by LCDR D. M. Williams, Jr.*, AL, Jun. 1980, at 1.

Mental Evaluations of an accused Under the Military Rules of Evidence: An Excellent Balance, *by MAJ Vincent P. Yustas*, AL, May 1980, at 24.

Problem of Custodial Questioning After Dunaway v. New York, The, *by CPT Timothy J. Grendell*, Sep. 1980, at 8.

CORRESPONDENCE

Word Processing and Appellate Pleading, *by CPT Robert D. Higginbotham, Mary Dennis and Ronda F. Reid*, AL, Mar. 1980, at 8.

CORRESPONDENCE COURSES

Educational Opportunities for Legal Clerks and Court Reporters, *by CW3 Joseph Nawahine*, AL, Sep. 1980, at 5.

COUNSEL, RIGHT TO

Eyewitness Identification Under the Military Rules of Evidence, *by CPT (P) Richard H. Gasperini*, AL, May 1980, at 42.

Tempia, Turner, McOmber and the Military Rules of Evidence: A Right to Counsel Trio with the New Look, *by CPT (P) David A. Schlueter*, AL, Apr. 1980, at 1.

COURT-MARTIAL, *See* COURTS-MARTIAL

COURT-MARTIAL, JURISDICTION, *See* JURISDICTION, COURT-MARTIAL

COURT OF MILITARY APPEALS, UNITED STATES

Be it ever so Humble, There's no Place Like Home, *by MAJ Stephen A. J. Eisenberg*, AL, Feb. 1980, at 28.

C.O.M.A. and the Commander's Power to Authorize Searches: A New Direction, *by CPT John F. Bender*, AL, Jul. 1980, at 1.

Jurisdictional Issues at Trial and Beyond, *by CPT Gary F. Thorne*, AL, Sep. 1980, at 15.

Military Rules of Evidence: An Advocate's Tool, The, *by CPT Lee D. Schinasi*, AL, May 1980, at 3.

Military Rules of Evidence and the Military Judge, The, *by LTC Herbert Green*, AL, May 1980, at 47.

Some Comments on the Civilianization of Military Justice, *by Chief Judge Robinson O. Everett*, USCMA, AL, Sep. 1980, at 1.

Tempia, Turner, McOmber and the Military Rules of Evidence: A Right to Counsel Trio with the New Look, *by CPT (P) David A. Schlueter*, AL, Apr. 1980, at 1.

Witness Production and the Right to Compulsory Process, *by CPT (P) Richard H. Gasperini*, AL, Sep. 1980, at 22.

COURT REPORTERS, EDUCATION

Educational Opportunities for Legal Clerks and Court Reporters, *by CW3 Joseph Nawahine*, AL, Sep. 1980, at 5.

COURTS-MARTIAL

Admissibility of Polygraph Results Under the Military Rules of Evidence, *by LTC D. M. Williams, Jr.*, AL, Jun. 1980, at 1.

Jurisdictional Issues at Trial and Beyond, *by CPT Gary F. Thorne*, AL, Sep. 1980, at 15.

Some Thoughts on Trying Cases, *by LTC Herbert Green*, AL, Jan. 1980, at 1.

Witness Production and the Right to Compulsory Process, *by CPT (P) Richard H. Gasperini*, AL, Sep. 1980, at 22.

COURTS-MARTIAL PROCEDURE, *See* PROCEDURE, COURT-MARTIAL

CUSTODIAL QUESTIONING

Problem of Custodial Questioning After *Dunaway v. New York*, The, *by CPT Timothy J. Grendell*, AL, Sep. 1980, at 8.

-D-

DA PUBLICATIONS, LEGAL RESEARCH

DA Publications: Legal Research On A Shoe-string, *by CPT Frank G. Brunson, Jr.*, AL, Nov. 1980, at 1.

DAVIS, UNITED STATES V.

Be it ever so Humble, There's no Place Like Home, *by MAJ Stephen A. J. Eisenberg*, AL, Feb. 1980, at 28.

DEFENSE OF ANOTHER

Defense of Another, Guilt Without Fault?, *by MAJ Charles A. Byler*, AL, Jun. 1980, at 6.

DILLARD, UNITED STATES V.

C.O.M.A. and The Commander's Power to Authorize Searches: A New Direction, *by CPT John F. Bender*, AL, Jul. 1980, at 1.

DOD DIRECTIVE 7200.1

DOD Directive 7200.1 and the Army's Proposed Dollar Target System: Are Allowances Allowable?, *by MAJ Walter B. Huffman*, AL, Apr. 1980, at 19.

DRUG ABUSE

Scope of the Alcohol and Drug Abuse Prevention and Control Program's Exemption Policy, The, *by MAJ Joel R. Alvarey*, AL, Aug. 1980, at 12.

DUE PROCESS

Bodily Evidence and Rule 312, M.R.E., *by CPT (P) David A. Schlueter*, AL, May 1980, at 35.

Do Not Pass Go; Do Not Collect \$200 . . . Your Suspended Sentence has been Vacated Pursuant to Article 72 UCMJ! *by MAJ Stephen A. J. Eisenberg*, AL, Jan. 1980, at 5.

Eyewitness Identification Under the Military Rules of Evidence, *by CPT (P) Richard H. Gasperini*, AL, May 1980, at 42.

DUNAWAY V. NEW YORK

Problem of Custodial Questioning After *Dunaway v. New York*, The *by CPT Timothy J. Grendell*, AL, Sep. 1980, at 8.

-E-

EAVESDROP ACTIVITY

Hercules Unchained: A Simplified Approach to Wiretap, Investigative Monitoring, and Eavesdrop Activity, *by MAJ Stephen A. J. Eisenberg*, AL, Oct. 1980, at 1.

EDUCATION

Educational Opportunities for Legal Clerks and Court Reporters, *by CW3 Joseph Nawahine*, AL, Sep. 1980, at 5.

ELECTRONIC SURVEILLANCE

Hercules Unchained: A Simplified Approach to wiretap, Investigative Monitoring, and Eavesdrop Activity, by MAJ Stephen A. J. Eisenberg, AL, Oct. 1980, at 1.

ESTATE TAXES

Requiem to the Estate Carryover Basis Rule, by CPT Timothy J. Grendell, AL, Oct. 1980, at 17.

ETHICS IN GOVERNMENT ACT OF 1978

Financial Disclosure Reporting and Review Requirements of the Ethics in Government Act of 1978: Problems Encountered, by LTC Wendell R. Gideon, AL, Feb. 1980, at 1.

EVIDENCE

Admissibility of Polygraph Results Under the Military Rules of Evidence, by LCDR D. M. Williams, Jr., AL, Jun. 1980, at 1.

Military Rules of Evidence: An Advocate's Tool, The, by CPT Lee D. Schinasi, AL, May 1980, at 3.

EVIDENCE, DISCLOSURE OF

Mental Evaluations of an accused Under the Military Rules of Evidence: An Excellent Balance, by MAJ Vincent P. Yustas, AL, May 1980, at 24.

Suppression Motions Under the Military Rules of Evidence, by MAJ Owen D. Basham, AL, May 1980, at 17.

EXEMPTION POLICY, ALCOHOL AND DRUG ABUSE PROGRAM

Scope of the Alcohol and Drug Abuse Prevention and Control Program's Exemption Policy, The, by MAJ Joel R. Alvarey, AL, Aug. 1980, at 12.

EXPERT TESTIMONY

Admissibility of Polygraph Results Under the Military Rules of Evidence, by LCDR D. M. Williams, Jr., AL, Jun. 1980, at 1.

Mental Evaluations of an accused Under the Military Rules of Evidence: An Excellent Balance, by MAJ Vincent P. Yustas, AL, May 1980, at 24.

EYEWITNESS IDENTIFICATION

Eyewitness Identification Under The Military Rules of Evidence, by CPT (P) Richard H. Gasperini, AL, May 1980, at 42.

EZELL, UNITED STATES V.

C.O.M.A. and The Commander's Power to Authorize Searches: A New Direction, by CPT John F. Bender, AL, Jul. 1980, at 1.

-F-

FEDERAL EMPLOYEES

City of Philadelphia v. John E. Bullion*—The Federal Enclave is not a Sanctuary, by CPT Stewart M. Weintraub, AL, Jan. 1980, at 15.

FEDERAL REGISTER, PUBLICATIONS IN

Publish or Perish: An Analysis of the Publication Requirement of the Freedom of Information Act, by MAJ Bryan H. Schempf, and MAJ Stephen A. J. Eisenberg, AL, Aug. 1980, at 1.

FIFTH AMENDMENT

Suppression Motions Under the Military Rules of Evidence, by MAJ Owen D. Basham, AL, May 1980, at 17.

Tempia, Turner, McOmber and the Military Rules of Evidence: A Right to Counsel Trio with the New Look, by CPT (P) David A. Schlueter, AL, Apr. 1980, at 1.

FIMMANO, UNITED STATES V.

C.O.M.A. and The Commander's Power to Authorize Searches: A New Direction, by CPT John F. Bender, AL, Jul. 1980, at 1.

FINANCIAL DISCLOSURE REPORTS

Financial Disclosure Reporting and Review Requirements of the Ethics in Government

Act of 1978: Problems Encountered, *by LTC Wendell R. Gideon*, AL, Feb. 1980, at 1.

FOURTH AMENDMENT

Be it ever so Humble, There's no Place Like Home, *by MAJ Stephen A. J. Eisenberg*, AL, Feb. 1980, at 28.

Bodily Evidence and Rule 312, M.R.E., *by CPT (P) David A. Schlueter*, AL, May 1980, at 35.

C.O.M.A. and The Commander's Power to Authorize Searches: A New Direction, *by CPT John F. Bender*, AL, Jul. 1980, at 1.

Fourth Amendment Practice and the Military Rules of Evidence, *by MAJ Stephen A. J. Eisenberg*, AL, May 1980, at 30.

Problem of Custodial Questioning After Dunaway v. New York, The, *by CPT Timothy J. Grendell*, AL, Sep. 1980, at 8.

Suppression Motions Under the Military Rules of Evidence, *by MAJ Owen D. Basham*, AL, May 1980, at 17.

FREEDOM OF INFORMATION ACT

Publish or Perish: An Analysis of the Publication Requirement of the Freedom of Information Act, *by MAJ Bryan H. Schempf, and MAJ Stephen A. J. Eisenberg*, AL, Aug. 1980, at 1.

FUNDS CONTROL

DOD Directive 7200.1 and the Army's Proposed Dollar Target System: Are Allowances Allowable?, *by MAJ Walter B. Huffman*, AL, Apr. 1980, at 19.

-G-

GENEVA CONVENTIONS AND PROTOCOLS, *See also* INTERNATIONAL LAW

Impact of Article 82 of Protocol I to The 1949 Geneva Conventions on the Organization and Operation of a Division SJA Office, The, *by CPT Michael C. Denny*, AL, Apr. 1980, at 14.

-H-

HEARSAY

Eyewitness Identification Under the Military Rules of Evidence, *by CPT (P) Richard H. Gasperini*, AL, May 1980, at 42.

Military Rules of Evidence: An Advocate's Tool, The, *by CPT Lee D. Schinasi*, AL, May 1980, at 3.

HOSTAGES

International Law and the American Hostages in Iran, *by Dr. Walter L. Williams, Jr.*, AL, Feb. 1980, at 30.

-I-

IMMUNITY, *See* TESTIMONIAL IMMUNITY

IMMUNITY, ALCOHOL AND DRUG ABUSE PROGRAM

Scope of the Alcohol and Drug Abuse Prevention and Control Program's Exemption Policy, The, *by MAJ Joel R. Alvarey*, AL, Aug. 1980, at 12.

INSANITY

Mental Evaluations of an accused Under the Military Rules of Evidence: An Excellent Balance, *by MAJ Vincent P. Yustas*, AL, May 1980, at 24.

INSPECTIONS, UNIT

Fourth Amendment Practice and the Military Rules of Evidence, *by MAJ Stephen A. J. Eisenberg*, AL, May 1980, at 30.

INSTRUCTIONS

Military Rules of Evidence and the Military Judge, The, *by LTC Herbert Green*, AL, May 1980, at 47.

INTERNATIONAL LAW

Impact of Article 82 of Protocol I to The 1949 Geneva Conventions on the Organization and

Operation of a Division SJA Office, The, *by CPT Michael C. Denny*, AL, Apr. 1980, at 14.

International Law and the American Hostages in Iran, *by Dr. Walter L. Williams, Jr.*, AL, Feb. 1980, at 30.

INTERNS

Care and Feeding of Summer Interns, *by CPT Edward J. Walinsky*, AL, Jun. 1980, at 24.

INTERROGATION

Problem of Custodial Questioning After Dunaway v. New York, The, *by CPT Timothy J. Grendell*, AL, Sep. 1980, at 8.

Tempia, Turner, McOmber and the Military Rules of Evidence: A Right to Counsel Trio with the New Look, *by CPT (P) David A. Schlueter*, AL, Apr. 1980, at 1.

INTERVIEWING LAW STUDENTS, *See* JUDGE ADVOCATE GENERAL'S CORPS

INVESTIGATIVE MONITORING

Hercules Unchained: A Simplified Approach to Wiretap, Investigative Monitoring, and Eavesdrop Activity, *by MAJ Stephen A. J. Eisenberg*, AL, Oct. 1980, at 1.

IRAN

International Law and the American Hostages in Iran, *by Dr. Walter L. Williams, Jr.*, AL, Feb. 1980, at 30.

-J-

JUDGE ADVOCATE GENERAL'S CORPS

Care and Feeding of Summer Interns, *by CPT Edward J. Walinsky*, AL, Jun. 1980, at 24.

Managing Your Career in the Computer Age, *by MAJ Sharon E. Best*, AL, Jun. 1980, at 23.

Packaging the Lawyer's Product, *by LTC H. Jere Armstrong*, AL, Dec. 1979, at 23.

Some Observations of an Army JAGC Recruiter, *by MAJ Alan R. Thiele*, AL, Mar. 1980, at 1.

JURISDICTION

Jurisdictional Issues at Trial and Beyond, *by CPT Gary F. Thorne*, AL, Sep. 1980, at 15.

JURISDICTION, COURT-MARTIAL

Jurisdictional Issues at Trial and Beyond, *by CPT Gary F. Thorne*, AL, Sep. 1980, at 15.

Personal Jurisdiction Under Article 2, UCMJ Whither Russo, Catlow, and Brown?, *by CPT (P) David A. Schlueter*, AL, Dec. 1979, at 3.

JURISDICTION, STATE

City of Philadelphia v. John E. Bullion*—The Federal Enclave is not a Sanctuary, *by CPT Stewart M. Weintraub*, AL, Jan. 1980, at 15.

JURY INSTRUCTIONS

Military Rules of Evidence and the Military Judge, The, *by LTC Herbert Green*, AL, May 1980, at 47.

-L-

LABOR RELATIONS, *See* COLLECTIVE BARGAINING

LABOR UNION, FEDERAL EMPLOYEES, *See* UNION, FEDERAL EMPLOYEES

LAW OFFICE MANAGEMENT

Impact of Article 82 of Protocol I to The 1949 Geneva Conventions on the Organization and Operation of a Division SJA Office, The, *by CPT Michael C. Denny*, AL, Apr. 1980, at 14.

Packaging the Lawyer's Product, *by LTC H. Jere Armstrong*, AL, Dec. 1979, at 15.

Small OSJA, The, *by LTC Archibald M. McColl*, AL, Feb. 1980, at 38.

LEGAL CLERKS, EDUCATION

Educational Opportunities for Legal Clerks and Court Reporters, *by CW3 Joseph Nawahine*, AL, Sep. 1980, at 5.

LEGAL RESEARCH

DA Publications Legal Research On A Shoe-string, *by CPT Frank G. Brunson, Jr., AL*, Nov. 1980, at 1.

LINEUPS

Eyewitness Identification Under the Military Rules of Evidence, *by CPT (P) Richard H. Gasperini, AL*, May 1980, at 42.

LONG-ARM STATUTE

City of Philadelphia v. John E. Bullion—The Federal Enclave is not a Sanctuary, *by CPT Stewart M. Weintraub, AL*, Jan. 1980, at 15.

-M-

MANAGEMENT, LAW OFFICE, *See* LAW OFFICE MANAGEMENT

MANUAL FOR COURTS-MARTIAL

Admissibility of Polygraph Results Under the Military Rules of Evidence, *by LCDR D. M. Williams, Jr., AL*, Jun. 1980, at 1.

Bodily Evidence and Rule 312, M.R.E., *by CPT (P) David A. Schlueter, AL*, May 1980, at 35.

C.O.M.A. and The Commander's Power to Authorize Searches: A New Direction, *by CPT John F. Bender, AL*, Jul. 1980, at 1.

Defense of Another, Guilt Without Fault?, *by MAJ Charles A. Byler, AL*, Jun. 1980, at 6.

Eyewitness Identification Under The Military Rules of Evidence, *by CPT (P) Richard H. Gasperini, AL*, May 1980, at 42.

Fourth Amendment Practice and the Military Rules of Evidence, *by MAJ Stephen A. J. Eisenberg, AL*, May 1980, at 30.

Mental Evaluations of an Accused Under the Military Rules of Evidence: An Excellent Balance, *by MAJ Vincent P. Yustas, AL*, May 1980, at 24.

Military Rules of Evidence: An Advocate's Tool, The, *by CPT Lee D. Schinasi, AL*, May 1980, at 3.

Military Rules of Evidence and the Military Judge, The, *by LTC Herbert Green, AL*, May 1980, at 47.

Suppression Motions Under the Military Rules of Evidence, *by MAJ Owen D. Basham, AL*, May 1980, at 17.

McOMBER, UNITED STATES V.

Tempia, Turner, McOmber and the Military Rules of Evidence: A Right to Counsel Trio with the New Look, *by CPT (P) David A. Schlueter, AL*, Apr. 1980, at 1.

MENTAL EVALUATIONS

Mental Evaluations of an Accused Under the Military Rules of Evidence: An Excellent Balance, *by MAJ Vincent P. Yustas, AL*, May 1980, at 24.

MILITARY JUSTICE, CIVILIANIZATION OF

Some Comments on the Civilianization of Military Justice, *by Chief Judge Robinson O. Everett, USCMA, AL*, Sep. 1980, at 1.

MILITARY LEGAL RESEARCH

DA Publications: Legal Research on a Shoe-string, *by CPT Frank G. Brunson, Jr., AL*, Nov. 1980, at 1.

MILITARY RULES OF EVIDENCE

Admissibility of Polygraph Results Under the Military Rules of Evidence, *by LCDR D. M. Williams, Jr., AL*, Jun. 1980, at 1.

Bodily Evidence and Rule 312, M.R.E., *by CPT (P) David A. Schlueter, AL*, May 1980, at 35.

Eyewitness Identification Under The Military Rules of Evidence, *by CPT (P) Richard H. Gasperini, AL*, May 1980, at 42.

Fourth Amendment Practice and the Military Rules of Evidence, *by MAJ Stephen A. J. Eisenberg, AL*, May 1980, at 30.

Mental Evaluations of an Accused Under the Military Rules of Evidence: An Excellent Balance, *by MAJ Vincent P. Yustas, AL*, May 1980, at 24.

Military Rules of Evidence: An Advocate's Tool, The, by *CPT Lee D. Schinasi*, AL, May 1980, at 3.

Military Rules of Evidence and the Military Judge, The, by *LTC Herbert Green*, AL, May 1980, at 47.

Suppression Motions Under the Military Rules of Evidence, by *Owen D. Basham*, AL, May 1980, at 17.

Tempia, Turner, McOmber and the Military Rules of Evidence: A Right to Counsel Trio with the New Look, by *CPT (P) David A. Schlueter*, AL, Apr. 1980, at 1.

MIRANDA-TEMPIA

Bodily Evidence and Rule 312, M.R.E., by *CPT (P) David A. Schlueter*, AL, May 1980, at 35.

Mental Evaluations of an Accused Under the Military Rules of Evidence: An Excellent Balance, by *MAJ Vincent P. Yustas*, AL, May 1980, at 24.

Military Rules of Evidence: An Advocate's Tool, The, by *CPT Lee D. Schinasi*, AL, May 1980, at 3.

Tempia, Turner, McOmber and the Military Rules of Evidence: A Right to Counsel Trio with the New Look, by *CPT (P) David A. Schlueter*, AL, Apr. 1980, at 1.

MISTAKE AS A DEFENSE

Defense of Another, Guilt Without Fault?, by *MAJ Charles A. Byler*, AL, Jun. 1980, at 6.

MOTIONS

Suppression Motions Under the Military Rules of Evidence, by *MAJ Owen D. Basham*, AL, May 1980, at 17.

-O-

OFFICER MASTER FILE (OMF)

Managing Your Career in the Computer Age, by *MAJ Sharon E. Best*, AL, Jun. 1980, at 23.

OFFICER RECORD BRIEF (ORB)

Managing Your Career in the Computer Age, by *MAJ Sharon E. Best*, AL, Jun. 1980, at 23.

OPERATION OF LEGAL OFFICES

Impact of Article 82 of Protocol I to The 1949 Geneva Conventions on the Organization and Operation of a Division SJA Office, The, by *CPT Michael C. Denny*, AL, Apr. 1980, at 14.

-P-

PHILADELPHIA, CITY OF, JOHN E. BULLION V.

City of Philadelphia v. John E. Bullion*—The Federal Enclave is not a Sanctuary, by *CPT Stewart M. Weintraub*, AL, Jan. 1980, at 15.

POLYGRAPH

Admissibility of Polygraph Results Under the Military Rules of Evidence, by *LCDR D. M. Williams, Jr.*, AL, Jun. 1980, at 1.

PROBATION REVOCATION

Do Not Pass Go; Do Not Collect \$200 . . . Your Suspended Sentence has been Vacated Pursuant to Article 72 UCMJ! by *MAJ Stephen A. J. Eisenberg*, AL, Jan. 1980, at 5.

PROCEDURE, COURT-MARTIAL

Fourth Amendment Practice and the Military Rules of Evidence, by *MAJ Stephen A. J. Eisenberg*, AL, May 1980, at 30.

Mental Evaluations of an Accused Under the Military Rules of Evidence: An Excellent Balance, by *MAJ Vincent P. Yustas*, AL, May 1980, at 24.

Military Rules of Evidence: An Advocate's Tool, The, by *CPT LEE D. Schinasi*, AL, May 1980, at 3.

Suppression Motions Under the Military Rules of Evidence, by *MAJ Owen D. Basham*, AL, May 1980, at 17.

PSYCHIATRIST AND MILITARY JUSTICE

Mental Evaluations of an Accused Under the Military Rules of Evidence: An Excellent Balance, *by MAJ Vincent P. Yustas*, AL, May 1980, at 24.

PUBLICATION IN FEDERAL REGISTER,
See REGULATIONS, PUBLICATION OF

PUBLICATION OF REGULATIONS, *See*
REGULATIONS, PUBLICATION OF

-Q-**QUESTIONING**

Problem of Custodial Questioning After Duna-way v. New York, The, *by CPT Timothy J. Grendell*, AL, Sep. 1980, at 8.

-R-

RECRUITMENT, *See* JUDGE ADVOCATE
GENERAL'S CORPS

REGULATIONS, PUBLICATION OF

Publish or Perish: An Analysis of the Publication Requirement of the Freedom of Information Act, *by MAJ Bryan H. Schempf, and MAJ Stephen A. J. Eisenberg*, AL, Aug. 1980, at 1.

RESIDENT COURSES

Educational Opportunities for Legal Clerks and Court Reporters, *by CW3 Joseph Nawahine*, AL, Sep. 1980, at 5.

REVISED STATUTES 3679, *See* ANTI-
DEFICIENCY ACT

RIGHT TO COUNSEL, *See* COUNCIL,
RIGHT TO

-S-**SANITY, *See* INSANITY****SEARCH AND SEIZURE**

Be it ever so Humble, There's no Place Like Home, *by MAJ Stephen A. J. Eisenberg*, AL, Feb. 1980, at 28.

Bodily Evidence and Rule 312, M.R.E., *by CPT (P) David A. Schlueter*, AL, May 1980, at 35.

C.O.M.A. and the Commander's Power to Authorize Searches: A New Direction, *by CPT John F. Bender*, AL, Jul. 1980, at 1.

Fourth Amendment Practice and the Military Rules of Evidence, *by MAJ Stephen A. J. Eisenberg*, AL, May 1980, at 30.

Problem of Custodial Questioning After Duna-way v. New York, The, *by CPT Timothy J. Grendell*, AL, Sep. 1980, at 8.

SELF-INCRIMINATION

Bodily Evidence and Rule 312, M.R.E., *by CPT (P) David A. Schlueter*, AL, May 1980, at 35.

SENTENCE AND PUNISHMENT

Do Not Pass Go; Do Not Collect \$200 . . . Your Suspended Sentence Has Been Vacated Pursuant to Article 72 UCMJ!, *by MAJ Stephen A. J. Eisenberg*, AL, Jan. 1980, at 5.

SERVICE OF PROCESS

City of Philadelphia v. John E. Bullion*—The Federal Enclave is not a Sanctuary *by CPT Stewart M. Weintraub*, AL, Jan. 1980, at 15.

SIXTH AMENDMENT

Suppression Motions Under the Military Rules of Evidence, *by MAJ Owen D. Basham*, AL, May 1980, at 17.

Tempia, Turner, McOmber and the Military Rules of Evidence: A Right to Counsel Trio with the New Look *by CPT (P) David A. Schlueter*, AL, Apr. 1980, at 1.

Witness Production and the Right to Compulsory Process, *by CPT (P) Richard H. Gasperini*, AL, Sep. 1980, at 22.

SPEECHES

Some Comments on the Civilianization of Military Justice, *by Chief Judge Robinson O. Everett, USMA, AL, Sep. 1980, at 1.*

STANDARD ARMY AUTOMATED SUPPORT SYSTEMS (SAASS)

Word Processing and Appellate Pleading, *by CPT Robert D. Higginbotham, Mary Dennis and Ronda F. Reid, AL, Mar. 1980, at 8.*

SUSPENDED SENTENCES

Do Not Pass Go; Do Not Collect \$200. . . Your Suspended Sentence has been Vacated Pursuant to Article 72 UCMJ! *by MAJ Stephen A. J. Eisenberg, AL, Jan. 1980, at 5.*

-T-**TAXES**

City of Philadelphia v. John E. Bullion*—The Federal Enclave is not a Sanctuary, *by CPT Stewart M. Weintraub, AL, Jan. 1980, at 15.*

TAXES, ESTATE

Requiem to the Estate Carryover Basis Rule, *by CPT Timothy J. Grendell, AL, Oct. 1980, at 17.*

TEMPIA, UNITED STATES V.

Tempia, Turner, McOmber and the Military Rules of Evidence: A Right to Counsel Trio with the New Look, by CPT (P) David A. Schlueter, AL, Apr. 1980, at 1.

TESTIMONIAL IMMUNITY

Mental Evaluations of an Accused Under the Military Rules of Evidence: An Excellent Balance, *by MAJ Vincent P. Yustas, AL, May 1980, at 24.*

TESTIMONY, EXPERT, See EXPERT TESTIMONY**TRIALS**

Some Thoughts on Trying Cases, *by LTC Herbert Green, AL, Jan. 1980, at 1.*

TURNER, UNITED STATES V.

Tempia, Turner, McOmber and the Military Rules of Evidence: A Right to Counsel Trio with the New Look, by CPT (P) David A. Schlueter, AL, Apr. 1980, at 1.

-U-**UNIFORM CODE OF MILITARY JUSTICE**

Do Not Pass Go; Do Not Collect \$200 . . . Your Suspended Sentence Has Been Vacated Pursuant to Article 72 UCMJ!, *by MAJ Stephen A. J. Eisenberg, AL, Jan. 1980, at 5.*

Mental Evaluations of an Accused Under the Military Rules of Evidence: An Excellent Balance, *by MAJ Vincent P. Yustas, AL, May 1980, at 24.*

Personal Jurisdiction Under Article 2, UCMJ Whither *Russo, Catlow, and Brown?*, *by CPT (P) David A. Schlueter, AL, Dec. 1979, at 3.*

Suppression Motions Under the Military Rules of Evidence, *by MAJ Owen D. Basham, AL, May 1980, at 17.*

UNION, FEDERAL EMPLOYEES

Union Representation of Federal Employees at "Formal Discussions" and "Investigative Examinations," *by CPT John T. Burton, AL, Jun. 1980, at 14.*

UNITED STATES V. DAVIS, See DAVIS, UNITED STATES V.**UNITED STATES V. EZELL, See EZELL, UNITED STATES V.****UNITED STATES V. McOMBER, See McOMBER, UNITED STATES V.****UNITED STATES V. TEMPIA, See TEMPIA, UNITED STATES V.**

**UNITED STATES V. TURNER, See
TURNER, UNITED STATES V.**

-V-

VACATION OF SENTENCES

Do Not Pass Go; Do Not Collect \$200 . . . Your
Suspended Sentence Has Been Vacated Pur-
suant to Article 72 UCMJ!, *by MAJ Stephen
A. J. Eisenberg*, AL, Jan. 1980, at 5.

VIDEOCASSETTES

Videocassettes Available from TJAGSA, AL,
Dec. 1979, at 32.

-W-

**W.I.M.E.A. (WIRETAP, INVESTIGATIVE
MONITORING AND EAVESDROP
ACTIVITY)**

Fourth Amendment Practice and the Military
Rules of Evidence, *by MAJ Stephen A. J.
Eisenberg*, AL, May 1980, at 30.
Hercules Unchained: A Simplified Approach to
Wiretap, Investigative Monitoring, and

Eavesdrop Activity, *by MAJ Stephen A. J.
Eisenberg*, AL, Oct. 1980, at 1.

WIRETAP

Fourth Amendment Practice and the Military
Rules of Evidence, *by MAJ Stephen A. J.
Eisenberg*, AL, May 1980, at 30.

Hercules Unchained: A Simplified Approach to
Wiretap, Investigative Monitoring, and
Eavesdrop Activity, *by MAJ Stephen A. J.
Eisenberg*, AL, Oct. 1980, at 1.

WITNESSES

Admissibility of Polygraph Results Under the
Military Rules of Evidence, *by LCDR D. M.
Williams, Jr.*, AL, Jun. 1980, at 1.

Military Rules of Evidence: An Advocate's
Tool, The, *by CPT Lee D. Schinasi*, AL, May
1980, at 3.

Witness Production and the Right to Compul-
sory Process, *by CPT (P) Richard H.
Gasperini*, AL, Sep. 1980, at 22.

WORD PROCESSING EQUIPMENT

Word Processing and Appellate Pleading, *by
CPT Robert D. Higginbotham, Mary Dennis
and Ronda F. Reid*, AL, Mar. 1980, at 8.

Title Index

The Army Lawyer

December 1979 - November 1980 Issues

-A-

Admissibility of Polygraph Results Under the
Military Rules of Evidence, *by LCDR D. M.
Williams, Jr.*, AL, Jun. 1980, at 1.

-B-

Be it ever so Humble, There's no Place Like
Home, *by MAJ Stephen A. J. Eisenberg*,
AL, Feb. 1980, at 28.

Bodily Evidence and Rule 312, M.R.E., *by
CPT (P) David A. Schlueter*, AL, May 1980,
at 35.

-C-

Care and Feeding of Summer Interns, *by CPT
Edward J. Walinsky*, AL, Jun. 1980, at 24.

City of Philadelphia v. John E. Bullion*—The
Federal Enclave is not a Sanctuary *by CPT
Stewart M. Weintraub*, AL, Jan. 1980, at 15.

C.O.M.A. and The Commander's Power to Authorize Searches: A New Direction, *by CPT John F. Bender*, AL, Jul. 1980, at 1.

-D-

DA Publications: Legal Research on a Shoestring, *by CPT Frank G. Brunson, Jr.*, AL, Nov. 1980, at 1.

Defense of Another, Guilt Without Fault?, *by MAJ Charles A. Byler*, AL, Jun. 1980, at 6.

Do Not Pass Go; Do Not Collect \$200 . . . Your Suspended Sentence has been Vacated Pursuant to Article 72 UCMJ! *by MAJ Stephen A. J. Eisenberg*, AL, Jan. 1980, at 5.

DOD Directive 7200.1 and the Army's Proposed Dollar Target System: Are Allowances Allowable? *by MAJ Walter B. Huffman*, AL, Apr. 1980, at 19.

-E-

Educational Opportunities for Legal Clerks and Court Reporters, *by CW3 Joseph Nawahine*, AL, Sep. 1980, at 5.

Eyewitness Identification Under the Military Rules of Evidence, *by CPT (P) Richard H. Gasperini*, AL, May 1980, at 42.

-F-

Financial Disclosure Reporting and Review Requirements of the Ethics in Government Act of 1978: Problems Encountered, *by LTC Wendell R. Gideon*, AL, Feb. 1980, at 1.

Fourth Amendment Practice and the Military Rules of Evidence, *by MAJ Stephen A. J. Eisenberg*, AL, May 1980, at 30.

-H-

Hercules Unchained: A Simplified Approach to Wiretap, Investigative Monitoring, and Eavesdrop Activity, *by MAJ Stephen A. J. Eisenberg*, AL, Oct 1980, at 1.

-I-

Impact of Article 82 of Protocol I to The 1949 Geneva Conventions on the Organization and Operation of a Division SJA Office, The, *by CPT Michael C. Denny*, AL, Apr. 1980, at 14.

International Law and the American Hostages in Iran, *by Dr. Walter L. Williams, Jr.*, AL, Feb. 1980, at 30.

-J-

Jurisdictional Issues at Trial and Beyond, *by CPT Gary F. Thorne*, AL, Sep. 1980, at 15.

-M-

Managing Your Career in the Computer Age, *by MAJ Sharon E. Best*, AL, Jun. 1980, at 23.

Mental Evaluations of an Accused Under the Military Rules of Evidence: An Excellent Balance, *by MAJ Vincent P. Yustas*, AL, May 1980, at 24.

Military Rules of Evidence: An Advocate's Tool, The, *by CPT Lee D. Schinasi*, AL, May 1980, at 3.

Military Rules of Evidence and the Military Judge, The, *by LTC Herbert Green*, AL, May 1980, at 47.

-P-

Packaging the Lawyer's Product, *by LTC H. Jere Armstrong*, AL, Dec. 1979, at 15.

Personal Jurisdiction Under Article 2, UCMJ Whither Russo, Catlow, and Brown?, *by CPT (P) David A. Schlueter*, AL, Dec. 1979, at 3.

Problem of Custodial Questioning After Dunaway v. New York, The, *by CPT Timothy J. Grendell*, AL, Sep. 1980, at 8.

Publish or Perish: An Analysis of the Publication Requirement of the Freedom of Information Act, *by MAJ Bryan H. Schempf, and MAJ Stephen A. J. Eisenberg*, AL, Aug. 1980, at 1.

-R-

Requiem to the Estate Carryover Basis rule, *by CPT Timothy J. Grendell*, AL, Oct. 1980, at 17.

-S-

Scope of the Alcohol and Drug Abuse Prevention and Control Program's Exemption Policy, *The, by MAJ Joel R. Alvarey*, AL, Aug. 1980, at 12.

Small OSJA, *The, by LTC Archibald M. McColl*, AL, Feb. 1980, at 38.

Some Comments on the Civilianization of Military Justice, *by Chief Judge Robinson O. Everett*, USCMA, AL, Sep. 1980, at 1.

Some Observations of an Army JAGC Recruiter, *by MAJ Alan R. Thiele*, AL, Mar. 1980, at 1.

Some Thoughts on Trying Cases, *by LTC Herbert Green*, AL, Jan. 1980, at 1.

Suppression Motions Under the Military Rules of Evidence, *by MAJ Owen D. Basham*, AL, May 1980, at 17.

-T-

Tempia, Turner, McOmber and the Military Rules of Evidence: A Right to Counsel Trio with the New Look, *by CPT (P) David A. Schlueter*, AL, Apr. 1980, at 1.

-U-

Union Representation of Federal Employees at "Formal Discussions" and "Investigative Examinations", *by CPT John T. Burton*, AL, June 1980, at 14.

-W-

Witness Production and the Right to Compulsory Process, *by CPT (P) Richard H. Gasperini*, AL, Sep. 1980, at 22.

Word Processing and Appellate Pleading, *by CPT Robert D. Higginbotham, Mary Dennis, and Ronda F. Reid*, AL, Mar. 1980, at 8.

Author Index

The Army Lawyer

December 1979 - November 1980 Issues

-A-

Alvarey, Joel R., MAJ, *Scope of the Alcohol and Drug Abuse Prevention and Control Program's Exemption Policy, The*, AL, Aug. 1980, at 12.

Armstrong, H. Jere, LTC, *Packaging the Lawyer's Product*, AL, Dec. 1979, at 15.

-B-

Basham, Owen D., MAJ, *Suppression Motions Under the Military Rules of Evidence*, AL, May 1980, at 17.

Bender, John F., CPT, *C.O.M.A. and The Commander's Power to Authorize Searches: A New Direction*, AL, Jul. 1980, at 1.

Best, Sharon E., MAJ, *Managing Your Career in the Computer Age*, AL, Jun. 1980, at 23.

Brunson, Frank G., Jr., CPT, *DA Publications: Legal Research on a Shoestring*, AL, Nov. 1980, at 1.

Burton, John T., CPT, *Union Representation of Federal Employees at "Formal Discussions" and "Investigative Examinations"*, AL, Jun. 1980, at 14.

Byler, Charles A., MAJ, *Defense of Another, Guilt Without Fault?*, AL, Jun. 1980, at 6.

Dennis, Mary, CPT Robert D. Higginbotham, and Ronda F. Reid, *Word Processing and Appellate Pleading*, AL, Mar. 1980, at 8.

Denny, Michael C., CPT, *Impact of Article 82 of Protocol I to The 1949 Geneva Conventions on the Organization and Operation of a Division SJA Office, The*, AL, Apr. 1980, at 14.

-E-

Eisenberg, Stephen A. J. MAJ, *Be it ever so Humble, There's no Place Like Home*, AL, Feb. 1980, at 28.

Eisenberg, Stephen A. J., MAJ, *Do Not Pass Go; Do Not Collect \$200 . . . Your Suspended Sentence Has Been Vacated Pursuant to Article 72 UCMJ!* AL, Jan. 1980, at 5.

Eisenberg, Stephen A. J., MAJ, *Fourth Amendment Practice and the Military Rules of Evidence*, AL, May 1980, at 30.

Eisenberg, Stephen A. J., MAJ, *Hercules Unchained: A Simplified Approach to Wiretap, Investigative Monitoring, and Eavesdrop Activity*, AL, Oct. 1980, at 1.

Eisenberg, Stephen A. J., MAJ, and MAJ Bryan H. Schempf, *Publish or Perish: An Analysis of the Publication Requirement of the Freedom of Information Act*, AL, Aug. 1980, at 1.

Everett, Robinson O., Chief Judge, *Some Comments on the Civilianization of Military Justice*, AL, Sep. 1980, at 1.

-G-

Gasperini, Richard H., CPT (P), *Eyewitness Identification Under The Military Rules of Evidence*, AL, May 1980, at 42.

Gasperini, Richard H., CPT (P), *Witness Production and the Right to Compulsory Process*, AL, Sep. 1980, at 22.

Gideon, Wendell R., LTC, *Financial Disclosure Reporting and Review Requirements of the Ethics in Government Act of 1978: Problems Encountered*, AL, Feb. 1980, at 1.

Green, Herbert, LTC, *Military Rules of Evidence and The Military Judge, The*, AL, May 1980, at 47.

Green, Herbert, LTC, *Some Thoughts on Trying Cases*, AL, Jan. 1980, at 1.

Grendell, Timothy J., CPT, *Problem of Custodial Questioning After Dunaway v. New York, The*, AL, Sep. 1980, at 8.

Grendell, Timothy J., CPT *Requiem to the Estate Carryover Basis Rule*, AL, Oct. 1980, at 17.

-H-

Higginbotham, Robert D. CPT, Mary Dennis and Ronda F. Reid, *Word Processing and Appellate Pleading*, AL, Mar. 1980, at 8.

Huffman, Walter B., MAJ, *DOD Directive 7200.1 and the Army's Proposed Dollar Target System: Are Allowances Allowable?*, AL, Apr. 1980, at 19.

-M-

McColl, Archibald M., LTC, *Small OSJA, The*, AL, Feb. 1980, at 38.

-N-

Nawahine, Joseph, CW3, *Educational Opportunities for Legal Clerks and Court Reporters*, AL, Sep. 1980, at 5.

-R-

Reid, Ronda F., Mary Dennis, and CPT Robert D. Higginsbotham, *Word Processing and Appellate Pleading*, AL, Mar. 1980, at 8.

-S-

Schempf, Bryan H., MAJ, and MAJ Stephen A. J. Eisenberg, *Publish or Perish: An Analysis of the Publication Requirement of the Freedom of Information Act*, Aug. 1980, at 1.

Schinasi, Lee, D., CPT, *Military Rules of Evidence; An Advocate's Tool, The*, AL, May 1980, at 3.

Schlueter, David A., CPT (P), *Bodily Evidence and Rule 312, M.R.E.*, AL, May 1980, at 35.
 Schlueter, David A., CPT (P), *Personal Jurisdiction Under Article 2, UCMJ Whither Russo, Catlow, and Brown?*, AL, Dec. 1979, at 3.
 Schlueter, David A., CPT (P), *Tempia, Turner, McOmber and the Military Rules of Evidence: A Right to Counsel Trio with the new Look*, AL, Apr. 1980, at 1.

-T-

Thiele, Alan R., MAJ, *Some Observations of an Army JAGC Recruiter*, AL, Mar. 1980, at 1.
 Thorne, Gary F., CPT, *Jurisdictional Issues at Trial and Beyond*, AL, Sep. 1980, at 15.

-W-

Walinsky, Edward J., CPT, *Care and Feeding of Summer Interns*, AL, Jun. 1980, at 24.
 Weintraub, Stewart M., CPT, *City of Philadelphia v. John E. Bullion*—The Federal Enclave is not a Sanctuary*, AL, Jan. 1980, at 15.
 Williams, D. M., Jr., LCDR, *Admissibility of Polygraph Results Under the Military Rules of Evidence*, AL, Jun. 1980, at 1.
 Williams, Walter L., Jr., Dr., *International Law and the American Hostages in Iran*, AL, Feb. 1980, at 30.

-Y-

Yustas, Vincent P., MAJ, *Mental Evaluations of an Accused Under the Military Rules of Evidence: An Excellent Balance*, AL, May 1980, at 24.

**Index of
 The Judge Advocate General's Opinions
 The Army Lawyer
 December 1979 - November 1980 Issues**

-A-

AR 1-100

The Proffer of a Patient Monitoring System From a Private Corporation is a Conditional Gift Which Should be Processed Under the Provisions of AR 1-100 for Possible Acceptance by the Secretary of the Army. DAJA-AL 1979/3277, (24 August 1979). *TAL*, Jun. 80, at 28.

Although the Secretary of the Army may not Delegate the Discretionary Authority Under 10 U.S.C. § 2601(a) to Accept Certain Conditional Gifts, Before-The-Fact Acceptance may be Granted by AR 1-100, or Specific Objective Standards may be Established to Permit a Subordinate to Accept by a Ministerial Act. DAJA-AL 1979/3143 (24 August 1979). *TAL*, Jun. 80, at 31.

AR 1-210

Official Army Participation in or Support of Fund Raising Events for a Single Cause is Prohibited by Army Regulations. DAJA-AL 1979/2899 (6 July 1979). *TAL*, Dec. 79, at 27.

Appropriated Funds may not be used to Purchase Organizational Memberships in Private Associations for Purposes of Obtaining Exercise Facilities for Recruiting Personnel who do not have Access to Military Exercise Facilities. DAJA-AL 1979/3117 (9 August 1979). *TAL*, Dec. 79, at 28.

AR 1-211

An Army Official may Attend the Annual Convention of a Private Organization in his Official Capacity at Government Expense and his Wife may Accept Food, Lodging and Transport-

tation from the Organization in Conjunction with the Official's Attendance at the Convention. DAJA-AL 1979/3381 (7 September 1979). *TAL*, Jun. 80, at 29.

AR 15-6

Report of Administrative Investigation Releasable in its Entirety. DAJA-AL 1979/2831 (6 July 1979). *TAL*, Feb. 80, at 45.

Privacy Act Access Provisions Inapplicable Unless Requested Information is both Contained in a System of Records and Retrieved by Reference to the Requestor. DAJA-OL 1979/2847 (26 June 1979). *TAL*, Mar. 80, at 15.

TJAG Clarifies Requirement to Designate a Respondent in Investigations Utilizing Provisions of AR 15-6. DAJA-AL 1980/1438 (3 April 1980). *TAL*, Aug. 80, at 24.

Where the Governing Regulation for an Investigation does not make AR 15-6 Applicable, the Appointing Authority can Determine the Extent to Which AR 15-6 will be Applied. DAJA-AL 1980/1122 (21 February 1980). *TAL*, Sep. 80, at 32.

AR 27-1

There is no Legal Objection to Military Lawyers Serving as Survivor Assistance Officers Unless the Attorney is Involved in Representing the Government on Matters Concerning the Particular Deceased or Survivor. DAJA-AL 1979/2684 (10 June 1979). *TAL*, Jun. 80, at 31.

AR 27-14

Appeal Procedure for bar to Reenlistment Proper Alternate Channel. DAJA-AL 1980/1637 (5 February 1980). *TAL*, Aug. 80, at 23.

Determination by GCMCA that Complained Wrong was not a Discretionary Act by the Commander need not be Forwarded to TJAG for Review. DAJA-AL 1980/1419 (20 February 1980). *TAL*, Aug. 80, at 23.

AR 37-20

Where the Governing Regulation for an Investigation does not make AR 15-6 Applicable, the Appointing Authority can Determine the Extent to Which AR 15-6 will be Applied. DAJA-AL 1980/1122 (21 February 1980). *TAL*, Sep. 80, at 32.

AR 210-10

Military Police have Authority to Apprehend Persons not Subject to the UCMJ on Military Installations. DAJA-OL 1979/2975 (25 July 1979). *TAL*, Apr. 80, at 33.

AR 230-60

Request to Conduct a "Monte Carlo" Type Activity in an Officers' Club approved. DAJA-AL 1980/1767 (8 May 1980). *TAL*, Nov. 80, at 11.

AR 340-3

Improper Official Correspondence Soliciting DA Personnel for Contributions for Gifts Which may Exceed Nominal Value to be Presented on Swearing In and Retirement Occasions. DAJA-AL 1980/1323 (5 March 1980). *TAL*, Nov. 80, at 10.

AR 340-17

Privacy Act Access Provisions Inapplicable Unless Requested Information is both Contained in a System of Records and Retrieved by Reference to the Requestor. DAJA-AL 1979/2847 (26 June 1979). *TAL*, Mar. 80, at 15.

AR 340-21

Report of Administrative Investigation Releasable in its Entirety. DAJA-AL 1979/2831 (6 July 1979). *TAL*, Feb. 80, at 45.

Privacy Act Access Provisions Inapplicable Unless Requested Information is both Contained in a System of Records and Retrieved by Reference to the Requestor. DAJA-OL 1979/2847 (26 June 1979). *TAL*, Mar. 80, at 15.

AR 360-61

Official Army Participation in or Support of Fund Raising Events for a Single Cause is Prohibited by Army Regulations. DAJA-AL 1979/2899 (6 July 1979). *TAL*, Dec. 79, at 27.

AR 600-29

Official Army Participation in or Support of Fund Raising Events for a Single Cause is Prohibited by Army Regulations. DAJA-AL 1979/2899 (6 July 1979). *TAL*, Dec. 79, at 27.

AR 600-33

Soldier's Rights in a Line of Duty Investigation are not the same as Those Afforded a Respondent in an Adversarial Proceeding. DAJA-AL 1979/3049 (8 August 1979). *TAL*, Apr. 80, at 35.

Injury Incurred by Servicemember While in Excess Leave Status Awaiting Separation for Fraudulent Enlistment not Line of Duty. DAJA-AL 1980/1074 (25 January 1980). *TAL*, May 80, at 63.

Injuries Sustained by Reservists 2 1/2 Hours After Returning Home From Annual Training were Incurred not Line of Duty—Not due to own Misconduct. DAJA-AL 1980/1222 (5 March 1980). *TAL*, Aug 80, at 19.

Evidence Purporting to show Servicemember's Misconduct Insufficient to Overcome the Presumption that Injury Occurred in Line of Duty. DAJA-AL 1980/1454 (8 April 1980). *TAL*, Aug. 80, at 21.

Injuries Sustained in Accident with Misappropriated Army Vehicle by Servicemember who Failed to sign out on pass were Incurred in Line of Duty, but were not Proximate Result of ADT/IDT for Disability Retirement. DAJA-AL 1980/1560 (14 April 1980). *TAL*, Aug. 80, at 22.

Injuries Sustained by Servicemember in Accident are not Line of Duty—due to own Misconduct Where Servicemember was Driving Under the Influence. DAJA-AL 1979/4073 (4 January 1980). *TAL*, Aug. 80, at 24.

Injuries Suffered by Reservist Performing Duties Incidental to Scheduled Drill were In-

curred While Employed in Performance of Inactive-Duty Training. DAJA-AL 1980/1210 (5 March 1980). *TAL*, Sep. 80, at 33.

AR 600-37

When a Letter of Reprimand Originally Filed in the MPRJ is Later Designated for Filing in the OMPF, the Evidence must be Given an Opportunity to Rebut the new Filing. DAJA-AL 1979/3485 (25 September 1979). *TAL*, Mar. 80, at 15.

AR 600-50

A Servicemember may not rent for a Personal gain Assigned Family Housing. DAJA-AL 1979/2553 (4 June 1979). *TAL*, Apr. 80, at 34.

Local Commanders may Permit Distribution of Discount Coupon Books Under Certain Circumstances. DAJA-AL 1979/2753 (28 June 1979).

A Proposal by a DOD Contractor to Sponsor and Conduct a Series of Medical Conferences at a Medical Treatment Facility falls within the General Prohibition of AR 600-50 Against Accepting Gratuities from any Source Doing Business with a DOD Component. DAJA-AL 1979/2673 (6 June 1979). *TAL*, Jun. 80, at 27.

An Army Official may Attend the Annual Convention of a Private Organization in his Official Capacity at Government Expense and his Wife may Accept Food, Lodging and Transportation from the Organization in Conjunction with the Official's Attendance at the Convention. DAJA-AL 1979/3381 (7 September 1979). *TAL*, Jun. 80, at 29.

Improper Official Correspondence Soliciting DA Personnel for Contributions for Gifts Which may Exceed Nominal Value to be Presented on Swearing In and Retirement Occasions. DAJA-AL 1980/1323 (5 March 1980). *TAL*, Nov. 80, at 10.

Request to Conduct a "Monte Carlo" Type Activity in an Officers' Club approved. DAJA-AL 1980/1767 (8 May 1980). *TAL*, Nov. 80, at 11.

Army Personnel are Prohibited from Ac-

cepting Gratuitous Entertainment or Hospitality from a DOD Contractor at a Reception Unless one of the Exemptions in Paragraph 2-2 AR 600-50, Applies. DAJA-AL 1979/3521 (25 September 1979). *TAL*, Jun. 80, at 29.

Acceptance by Army Physicians of Radios from a Wholly Owned Subsidiary of a DOD Contractor Involves Receipt of Gratuities Prohibited by Paragraph 2-2, AR 600-50, Unless Acceptance Would Serve the Government's Best Interest. DAJA-AL 1979/3927 (12 December 1979). *TAL*, Jun. 80, at 30.

No Exception to AR 600-50 may be Granted to Allow a Fund-Raising Raffle in Contravention of Local Law Unless There will be Special Benefit to the Department of the Army. DAJA-AL 1980/1243 (28 February 1980). *TAL*, Aug. 80, at 20.

An Individual who Accepts a Valuable Gift from Subordinates in Violation of Paragraph 2-3, AR 600-50, may Dispose of it by Returning it to the Donors or Donating it to a Local Morale, Welfare, or Recreation Organization, as Appropriate, but such Disposition does not Rectify his or her Initial Wrongdoing in Accepting the Gift. DAJA-AL 1980/1354 (13 March 1980). *TAL*, Aug. 80, at 21.

A Member of the Army may not be paid Travel or other Expenses by the Publisher of a Civilian Enterprise Publication for a visit to the Publisher's Plant on Public Business. DAJA-AL 1979/2362 (24 April 1979). *TAL*, Dec. 79, at 27.

AR 600-291

A Retired Regular Army Officer may Legally Accept an Appointment as an Honorary Consul of a Foreign Government if both the Secretary of State and the Secretary of the Army Approve the Appointment. DAJA-AL 1979/3162 (27 August 1979). *TAL*, Jun. 80, at 28.

AR 601-10

Retired Members Lawfully Ordered to Active Duty in the Event of a National Emergency who Fail to Respond are Subject to Disciplinary Action Under the UCMJ and will Have Their Retired Pay Suspended. Those Re-

tired Members who do Respond are Entitled to Reemployment Rights Under 38 U.S.C. § 2024(b)(1). DAJA-AL 1979/3551 (29 October 1979). *TAL*, Jun. 80, at 32.

AR 601-280

Appeal Procedure for bar to Reenlistment Proper Alternate Channel. DAJA-AL 1980/1637 (5 February 1980). *TAL*, Aug. 80, at 23.

AR 623-105

A Rating Official may Comment, in an Officer Evaluation Report, on Misconduct that is Supported by a Completed Report of Investigation but may not Refer to a Court-Martial Conviction Until Appellate Action, if any, has been Completed and the Sentence has been Ordered Executed. DAJA-AL 1979/3581 (17 October 1979). *TAL*, Jun. 80, at 29.

AR 635-200

A Soldier may not be Retained Involuntarily Beyond the Expiration of his Term of Service Unless the Conditions Specified in Paragraphs 2-4 Through 2-7 of AR 635-20 Exist. DAJA-AL 1979/3767 (2 November 1979). *TAL*, Jun. 80, at 30.

Separation of a Servicemember Adjudicated a Juvenile Offender for an Offense not Involving Moral Turpitude is Improper Unless Commander, MILPERCEN, First Grants an Exception. DAJA-AL 1980/2276 (25 February 1980). *TAL*, Sep. 80, at 33.

Article 138, UCMJ

Appeal Procedure for bar to Reenlistment Proper Alternate Channel. DAJA-AL 1980/1637 (5 February 1980). *TAL*, Aug. 80, at 23.

Determination by GCMCA That Complained Wrong was not a Discretionary Act by the Commander need not be Forwarded to TJAG for Review. DAJA-AL 1980/1419 (20 February 1980). *TAL*, Aug. 80, at 23.

AWOL

A Servicemember may be Assessed Time Lost for Days Spent in Civil Confinement,

Even When no Final Conviction Occurs. If the Member was Absent Without Authority at Time Confinement Initiated. DAJA-AL 1980/1326 (27 February 1980). *TAL*, Sep. 80, at 34.

-B-

Bankruptcy

Bankruptcy Court may Require Department of the Army to pay all or any part of a Army Employee's Income to a Chapter 13 Trustee. DAJA-AL 1979/2568 (31 May 1979). *TAL*, Dec. 79, at 26.

Bar to Reenlistment

Appeal Procedure for Bar to Reenlistment Proper Alternate Channel. DAJA-AL 1980/1637 (5 February 1980). *TAL*, Aug. 80, at 23.

Boards and Investigations

Where the Governing Regulation for an Investigation does not make AR 15-6 Applicable, the Appointing Authority can Determine the Extent to Which AR 15-6 will be Applied. DAJA-AL 1980/1122 (21 February 1980). *TAL*, Sep. 80, at 32.

-C-

Civilian Confinement

A Servicemember may be Assessed Time Lost for Days Spent in Civil Confinement, even when no Final Conviction Occurs, if the Member was Absent Without Authority at time Confinement Initiated. DAJA-AL 1980/1326 (27 February 1980). *TAL*, Sep. 80, at 34.

Claims Against Government

Claim for Restitution by Enlisted Member Involuntarily held Beyond ETS. DAJA-AL 1979/3905 (10 December 1979). *TAL*, Jun. 80, at 32.

Commissioned Officers

A Rating Official may Comment, in an Officer Evaluation Report, on Misconduct that is Supported by a Completed Report of Investiga-

tion but may not Refer to a Court-Martial Conviction Until Appellate Action, if any, has been Completed and the Sentence has been Ordered Executed. DAJA-AL 1979/3581 (17 October 1979). *TAL*, Jun. 80, at 29.

Constructive Enlistment

Even Though an Enlistee was not Properly Enlisted Because he did not Take the Oath of Enlistment, a Valid Constructive Enlistment may be Established Based on the Subsequent Conduct of both the Enlistee and the Army. DAJA-AL 1979/4120 (14 January 1980). *TAL*, May 80, at 63.

Contributions and Gifts, *See also*, Gifts

The Proffer of a Patient Monitoring System from a Private Corporation is a Conditional Gift Which Should be Processed Under the Provisions of AR 1-100 for Possible Acceptance by the Secretary of the Army. DAJA-AL 1979/3277 (24 August 1979). *TAL*, Jun. 80, at 28.

Although the Secretary of the Army may not Delegate the Discretionary Authority Under 10 U.S.C. § 2601(a) to Accept Certain Conditional Gifts, Before-The-Fact Acceptance may be Granted by AR 1-100, or Specific Objective Standards may be Established to Permit a Subordinate to Accept by a Ministerial Act. DAJA-AL 1979/3143 (24 August 1979). *TAL*, Jun. 80, at 31.

An Individual who Accepts a Valuable Gift from Subordinates in Violation of Paragraph 2-3, AR 600-50, may Dispose of it by Returning it to the Donors or Donating it to a Local Morale, Welfare, or Recreation Organization, as Appropriate, but such Disposition does not Rectify his or her Initial Wrongdoing in accepting the Gift. DAJA-AL 1980/1354 (13 March 1980). *TAL*, Aug. 80, at 21.

-D-

Discharge

A Soldier may not be Retained Involuntarily Beyond the Expiration of his Term of Service Unless the Conditions Specified in Paragraphs

2-4 Through 2-7 of AR 635-200 Exist. DAJA-AL 1979/3767 (2 November 1979). *TAL*, Jun. 80, at 30.

Dual Compensation Act

A Retired Regular Army Officer Subject to the Dual Compensation Act may Accept Court Appointment with Compensation to Represent Indigent Defendants Pursuant to 18 U.S.C. § 3006A Without Forfeiting Retired Pay. DAJA-AL 1980/1189 (8 February 1980). *TAL*, Jun. 80, at 27.

Duty Status

A Servicemember may be Assessed time lost for Days Spent in civil Confinement, even when no Final Conviction Occurs, if the Member was Absent Without Authority at Time Confinement Initiated. DAJA-AL 1980/1326 (27-February 1980). *TAL*, Sep. 80, at 34.

-E-

Enlistment

A Soldier Waived the Right to Request Separation by Waiting over Thirty Days to Protest an Unfulfilled Enlistment Commitment. DAJA-AL 1979/2726 (20 June 1979). *TAL*, Mar. 80, at 15.

Even though an Enlistee was not Properly Enlisted Because he did not take the Oath of Enlistment, a Valid Constructive Enlistment may be Established Based on the Subsequent Conduct of both the Enlistee and the Army. DAJA-AL 1979/4120 (14 January 1980). *TAL*, May 80, at 63.

-F-

Family Quarters

A Servicemember may not Rent for a Personal Gain Assigned Family Housing. DAJA-AL 1979/2553 (4 June 1979). *TAL*, Apr. 80, at 34.

The Installation Commander may Properly Direct Assistance Visits or Reasonable Inspections of Thermostats in Government Family

Quarters. DAJA-AJ 1979/2985 (16 July 1979). *TAL*, Apr. 80, at 35.

Fraudulent Enlistment

Injury Incurred by Servicemember While in Excess Leave Status Awaiting Separation for Fraudulent Enlistment not Line of duty. DAJA-AL 1980/1074 (25 January 1980). *TAL*, May 80, at 63.

Freedom of Information Act

Report of Administrative Investigation Releasable in its Entirety. DAJA-AL 1979/2831 (6 July 1979). *TAL*, Feb. 80, at 45.

Computer Programs are not "Records" Subject to FOIA. DAJA-AL 1979/3686 (24 October 1979). *TAL*, Mar. 80, at 15.

Privacy Act Access Provisions Inapplicable Unless Requested Information is Both Contained in a System of Records and Retrieved by Reference to the Requestor. DAJA-OL 1979/2847 (26 June 1979). *TAL*, Mar. 80, at 15.

-G-

Gambling

Request to Conduct a "Monte Carlo" Type Activity in an Officers' Club approved. DAJA-AL 1980/1767 (8 May 1980). *TAL*, Nov. 80, at 11.

Gifts

A Proposal by a DOD Contractor to Sponsor and Conduct a Series of Medical Conferences at a Medical Treatment Facility Falls Within the General Prohibition of AR 600-50 Against Accepting Gratuities from any Source Doing Business with a DOD Component. DAJA-AL 1979/2673 (6 June 1979). *TAL*, Jun. 80, at 27.

An Army Official may Attend the Annual Convention of a Private Organization in his Official Capacity at Government Expense and his Wife may Accept Food, Lodging and Transportation From the Organization in Conjunction with the Official's Attendance at the Conven-

tion. DAJA-AL 1979/3381 (7 September 1979). *TAL*, Jun. 80, at 29.

Army Personnel are Prohibited from Accepting Gratuitous Entertainment or Hospitality from a DOD Contractor at a Reception Unless one of the Exemptions in Paragraph 2-2, AR 600-50, Applies. DAJA-AL 1979/3521 (25 September 1979). *TAL*, Jun. 80, at 29.

Acceptance by Army Physicians of Radios from a Wholly Owned Subsidiary of a DOD Contractor Involves Receipt of Gratuities Prohibited by Paragraph 2-2, AR 600-50, Unless Acceptance Would Serve the Government's Best Interest. DAJA-AL 1979/3927 (12 December 1979). *TAL*, Jun. 80, at 30.

Improper Official Correspondence Soliciting DA Personnel for Contributions for Gifts Which may Exceed Nominal Value to be Presented on Swearing In and Retirement Occasions. DAJA-AL 1980/1323 (5 March 1980). *TAL*, Nov. 80, at 10.

An Individual who Accepts a Valuable Gift from Subordinates in Violation of Paragraph 2-3, AR 600-50, may Dispose of it by Returning it to the Donors or Donating it to a Local Morale, Welfare, or Recreation Organization, as Appropriate, but such Disposition does not Rectify his or her Initial Wrongdoing in Accepting the Gift. DAJA-AL 1980/1354 (13 March 1980). *TAL*, Aug. 80, at 21.

A Member of the Army may not be paid Travel or Other Expenses by the Publisher of a Civilian Enterprise Publication for a Visit to the Publisher's Plant on public business. DAJA-AL 1979/2362 (24 April 1979). *TAL*, Dec. 79, at 27.

-I-

Information and Records

Report of Administrative Investigation Releasable in its Entirety. DAJA-AL 1979/2831 (6 July 1979). *TAL*, Feb. 80, at 45.

Computer Programs are not "Records" Subject to FOIA. DAJA-AL 1979/3686 (24 October 1979). *TAL*, Mar. 80, at 15.

When a Letter of Reprimand Originally Filed in the MPRJ is later Designated for Filing in the OMPF, the Individual must be Given an Opportunity to Rebut the new Filing. DAJA-AL 1979/3485 (25 September 1979). *TAL*, Mar. 80, at 15.

Privacy Act Access Provisions Inapplicable Unless Requested Information is Both Contained in a System of Records and Retrieved by Reference to the Requestor. DAJA-OL 1979/2847 (26 June 1979). *TAL*, Mar. 80, at 15.

Disclosure of an Individual's Home Telephone Number for Inclusion in Unit Alert Roster is Mandatory. DAJA-AL 1980/1504 (10 April 1980). *TAL*, Aug. 80, at 22.

Involuntary Extension

Claim for Restitution by Enlisted Member Involuntarily Held Beyond ETS. DAJA-AL 1979/3905 (10 December 1979). *TAL*, Jun. 80, at 32.

-L-

Law Enforcement

Military Police have Authority to apprehend Persons not Subject to the UCMJ on Military Installations. DAJA-OL 1979/2975 (25 July 1979). *TAL*, Apr. 80, at 33.

GSA Authority to Promulgate Regulations Permitting Enforcement of Traffic Laws on Military Installations Located in a State in Which Traffic Offenses have been "Decriminalized." DAJA-AL 1980/1334 (20 March 1980). *TAL*, Aug. 80, at 20.

Letter of Reprimand

When a Letter of Reprimand Originally Filed in the MPRJ is Later Designated for Filing in the OMPF, the Individual must be Given an Opportunity to Rebut the new Filing. DAJA-AL 1979/3485 (25 September 1979). *TAL*, Mar. 80, at 15.

Line of Duty

Soldier's Rights in a Line of Duty Investigation are not the Same as Those Afforded a Re-

spondent in an Adversarial Proceeding. DAJA-AL 1979/3040 (8 August 1979). *TAL*, Apr. 80, at 35.

Injury Incurred by Servicemember While in Excess Leave Status Awaiting Separation for Fraudulent Enlistment not Line of Duty. DAJA-AL 1980/1074 (25 January 1980). *TAL*, May 80, at 63.

Injuries Sustained by Reservists 2 1/2 Hours After Returning Home from Annual Training were Incurred not Line of Duty—not due to own Misconduct. DAJA-AL 1980/1222 (5 March 1980). *TAL*, Aug. 80, at 19.

Evidence Purporting to Show Servicemember's Misconduct Insufficient to Overcome the Presumption that Injury Occurred in Line of Duty. DAJA-AL 1980/1454 (8 April 1980). *TAL*, Aug. 80, at 21.

Injuries Sustained in Accident with Misappropriated Army Vehicle by Servicemember who Failed to sign out on pass were Incurred in Line of Duty, but were not Proximate Result of ADT/IDT for Disability Retirement. DAJA-AL 1980/1560 (14 April 1980). *TAL*, Aug. 80, at 22.

Injuries Sustained by Servicemember in Accident are not Line of Duty—Due to own Misconduct Where Servicemember was Driving Under the Influence. DAJA-AL 1979/4073 (4 January 1980).

Injuries Suffered by Reservist Performing Duties Incidental to Scheduled Drill were Incurred While Employed in Performance in Inactive-Duty Training. DAJA-AL 1980/1210 (5 March 1980). *TAL*, Sep. 80, at 33.

-M-

Military Installations

Military Police have Authority to Apprehend Persons not Subject to the UCMJ on Military Installations. DAJA-OL 1979/2975 (25 July 1979). *TAL*, Apr. 80, at 33.

A Servicemember may not rent for a Personal Gain Assigned Family Housing. DAJA-AL 1979/2553 (4 June 1979). *TAL*, Apr. 80, at 34.

Local Commanders may Permit Distribution of Discount Coupon Books Under Certain Circumstances. DAJA-AL 1979/2753 (28 June 1979). *TAL*, Apr. 80, at 34.

The Installation Commander may Properly Direct Assistance Visits or Reasonable Inspections of Thermostats in Government Family Quarters. DAJA-AL 1979/2985 (16 July 1979). *TAL*, Apr. 80, at 35.

GSA Authority to Promulgate Regulations Permitting Enforcement of Traffic Laws on Military Installations Located in a State in Which Traffic Offenses have been "Decriminalized." DAJA-AL 1980/2334 (20 March 1980). *TAL*, Aug. 80, at 20.

-N-

Nonappropriated Fund Instrumentalities

Official Army Participation in or Support of Fund Raising Events for a Single Cause is Prohibited by Army Regulations. DAJA-AL 1979/2899 (6 July 1979). *TAL*, Dec. 79, at 27.

Request to Conduct a "Monte Carlo" Type Activity in an Officers' Club approved. DAJA-AL 1980/1767 (8 May 1980). *TAL*, Nov. 80, at 11.

-O-

OER

A Rating Official may Comment, in an Officer Evaluation Report, on Misconduct that is Supported by a Completed Report of Investigation but may not Refer to a Court-Martial Conviction Until Appellate Action, if any, has been completed and the Sentence has been Ordered Executed. DAJA-AL 1979/3581 (17 October 1979). *TAL*, Jun. 80, at 29.

-P-

Privacy Act

Report of Administrative Investigation Releasable in its Entirety. DAJA-AL 1979/2831 (6 July 1979). *TAL*, Feb. 80, at 45.

Privacy Act Access Provisions Inapplicable Unless Requested Information is both Contained in a System of Records and Retrieved by Reference to the Requestor. DAJA-OL 1979/2847 (26 June 1979). *TAL*, Mar. 80, at 15.

Disclosure of an Individual's Home Telephone Number for Inclusion in Unit Alert Roster is Mandatory. DAJA-AL 1980/1504 (10 April 1980). *TAL*, Aug. 80, at 22.

Private Organizations

Official Army Participation in or Support of Fund Raising Events for a Single Cause is Prohibited by Army regulations. DAJA-AL 1979/2899 (6 July 1979). *TAL*, Dec. 79, at 27.

-R-

Raffles, *See also*, Gambling

No Exception to AR 600-50 may be Granted to Allow a Fund-Raising Raffle in Contravention of Local Law Unless There will be Special Benefit to the Department of the Army. DAJA-AL 1980/1243 (28 February 1980). *TAL*, Aug. 80, at 20.

Retired Members

A Retired Regular Army Officer Subject to the Dual Compensation Act may Accept Court Appointments with Compensation to Represent Indigent Defendants Pursuant to 18 U.S.C. § 3006A Without Forfeiting Retired Pay. DAJA-AL 1980/1189 (8 February 1980). *TAL*, Jun. 80, at 27.

A retired Regular Army Officer may Legally Accept an Appointment as an Honorary Consul of a Foreign Government if both the Secretary of State and the Secretary of the Army approve the Appointment. DAJA-AL 1979/3162 (27 August 1979). *TAL*, Jun. 80, at 28.

Retired Members Lawfully Ordered to Active Duty in the Event of a National Emergency who fail to Respond are Subject to Disciplinary Action Under the UCMJ and will have Their Retired pay Suspended. Those Retired Members who do Respond are Entitled to Re-

employment Rights Under 38 U.S.C. § 2024(b)(1). DAJA-AL 1979/3351 (29 October 1979). *TAL*, Jun. 80, at 32.

Retirement Pay

A Retired Regular Army Officer Subject to the Dual Compensation Act may Accept Court Appointments with Compensation to Represent Indigent Defendants Pursuant to 18 U.S.C. § 3006A Without Forfeiting Retired Pay. DAJA-AL 1980/1189 (8 February 1980). *TAL*, Jun. 80, at 27.

-S-

Separation from the Service

A Soldier may not be Retained Involuntarily Beyond the Expiration of his Term of Service Unless the Conditions Specified in Paragraphs 2-4 Through 2-7 of AR 635-200 Exist. DAJA-AL 1979/3767 (2 November 1979). *TAL*, Jun. 80, at 30.

Separation of a Servicemember Adjudicated a Juvenile Offender for an Offense not Involving Moral Turpitude is Improper Unless Commander, MILPERCEN, First Grants an Exception. DAJA-AL 1980/1176 (25 February 1980). *TAL*, Sep. 80, at 33.

Standards of Conduct

A Proposal by a DOD Contractor to Sponsor and Conduct a Series of Medical Conferences at a Medical Treatment Facility Falls Within the General Prohibition of AR 600-50 Against Accepting Gratuities from any Source Doing Business with a DOD Component. DAJA-AL 1979/2673 (6 June 1979). *TAL*, Jun. 80, at 27.

Army Personnel are Prohibited from Accepting Gratuitous Entertainment or Hospitality from a DOD Contractor at a Reception Unless one of the Exceptions in Paragraph 2-2, AR 600-50, Applies. DAJA-AL 1979/3521 (25 September 1979). *TAL*, Jun. 80, at 29.

An Army Official may Attend the Annual Convention of a Private Organization in his Official Capacity at Government Expense and his

Wife may Accept Food, Lodging and Transportation from the Organization in Conjunction with the Official's Attendance at the Convention. DAJA-AL 1979/3381 (7 September 1979). *TAL*, Jun. 80, at 29.

Acceptance by Army Physicians of Radios from a Wholly Owned Subsidiary of a DOD Contractor Involves Receipt of Gratuities Prohibited by Paragraph 2-2, AR 600-50, Unless Acceptance Would Serve the Government's Best Interest. DAJA-AL 1979/3927 (12 December 1979). *TAL*, Jun. 80, at 30.

An Individual who Accepts a Valuable Gift from Subordinates in Violation of Paragraph 2-3, AR 600-50, may Dispose of it by Returning it to the Donors or Donating it to a Local Morale, Welfare, or Recreation Organization, as Appropriate, but such Disposition does not Rectify his or her Initial Wrongdoing in Accepting the Gift. DAJA-AL 1980/1354 (13 March 1980). *TAL*, Aug. 80, at 21.

A Member of the Army may not be paid Travel or other Expenses by the Publisher of a Civilian Enterprise Publication for a Visit to the Publisher's Plant on Public Business. DAJA-AL 1979/2362 (24 April 1979). *TAL*, Dec. 79, at 27.

Improper Official Correspondence Soliciting DA Personnel for Contributions for Gifts Which may Exceed Nominal Value to be Presented on Swearing In and Retirement Occasions. DAJA-AL 1980/1323 (5 March 1980). *TAL*, Nov. 80, at 10.

Survival Assistance Officer

There is no Legal Objection to Military Lawyers Serving as Survivor Assistance Officers Unless the Attorney is Involved in Representing the Government on Matters Concerning the Particular Deceased or Survivor. DAJA-AL 1979-2684 (10 June 1979). *TAL*, Jun. 80, at 31.

Index of Digests—Article 69, UCMJ Applications *The Army Lawyer* December 1979–November 1980 Issues

-A-

Apprehension

Cruckson, SPCM 1979/4507 - Jan 80, at 25.
Duquette, SPCM 1980/4733 - Sep. 80, at 43.

Article 3(a), UCMJ

Stephens, SUMCM 1980/4597 - Apr. 80, at 30.

Article 15, UCMJ

Smith, SPCM 1979/4594 - Apr. 80, at 29.

Article 25, UCMJ

Prothero, SPCM 1979/4530 - Jan. 80, at 27.

Article 80, UCMJ

Haynes, SPCM 1979/4529 - Dec. 79, at 21.

Article 86, UCMJ

Cooper, SUMCM 1980/4769 - Oct. 80, at 24.

Article 87, UCMJ

Cooper, SUMCM 1980/4769 - Oct. 80, at 24.

Article 92, UCMJ

Washington, SPCM 1980/4479 - Nov. 80, at 12.

Attempts

Haynes, SPCM 1979/4529 - Dec. 79, at 21.

AWOL

Ward, SPCM 1979/4498 - Dec. 79, at 20.

-C-

Certificate of Innocence

McDavid, GCM 1979/4552 - Feb. 80 at 42.

Charges, Drafting

Fouche, SPCM 1980/4650 - May 80, at 60.

Washington, SPCM 1980/4779 - Nov. 80, at 12.

Collateral Estoppel

Harris, SPCM 1980/4752 - Sep. 80, at 44.

Confessions

Kleinschrodt, SUMCM 1980/4764 - Oct. 80, at 24.

Saulsberry SPCM 1979/4492 - Feb. 80, at 41.

Consent Search

Cruckson, SPCM 1979/4507 - Jan. 80, at 25.

Court Members

Martinez, SPCM 1980/4660 - Jul. 80, at 12.

Prothero, SPCM 1979/4530 - Jan. 80, at 27.

Customs of Service

Smith, SPCM 1980/4650 - Aug. 80 at 27.

-D-

Defense of Accident

Nunez, SPCM 1980/4632 - May 80, at 60.

Defenses

Nunez, SPCM 1980/4632 - May 80, at 60.

Dereliction of Duty

Smith, SPCM 1980/4650 - Aug. 80, at 27.

Detection Dogs

Harris, SPCM 1980/4752 - Sep. 80, at 44.

-F-

Failure to Repair

Cooper, SUMCM 1980/4769 - Oct. 80, at 24.

False Official Statement

Haynes, SPCM 1979/4529 - Dec. 79, at 21.

Fifth Amendment

Comins, SPCM 1979/4547 - Feb. 80, at 42.

-H-

Housebreaking

Levasseur, SPCM 1980/4696 - Aug. 80, at 28.

-I-

Informants

Martin, SPCM 1980/4691 - Sep. 80, at 42.

Insufficient Evidence

Herder, SPCM 1980/4616 - Apr. 80 at 31.

-J-

Judicial Conduct

Chapel, SUMCM 1979/4439 - Dec. 79, at 19.

Jurisdiction

Duquette, SPCM 1980/4733 - Sep. 80, at 43.

Stephens, SUMCM 1980/4597 - Apr. 80, at 30.

Jury Instructions

Comins, SPCM 1979/4547 - Feb. 80, at 42.

Nunez, SPCM 1980/4632 - May 80, at 60.

Levasseur, SPCM 1980/4696 - Aug. 80, at 28.

-L-

Laboratory Reports

Wilkerson, SPCM 1979/4528 - Dec. 79, at 20.

-M-**Missing Movement**

Cooper, SUMCM 1980/4769 - Oct. 80, at 24.

-N-**Newcomb**

Prothero, SPCM 1979/4530 - Jan. 80, at 27.

-O-**Official Records**

Ward, SPCM 1979/4498 - Dec. 79 at 20.

-P-**Prior Punishment**

Prothero, SPCM 1979/4530 - Jan. 80, at 27.
Smith, SPCM 1979/4594 - Apr. 80, at 29.

Probable Cause

Cruckson, SPCM 1979/4507 - Jan. 80, at 25.
Duquette, SPCM 1980/4733 - Sep. 80, at 43.
Harris, SPCM 1980/4752 - Sep. 80, at 44.
Martin, SPCM 1980/4691 - Sep. 80, at 42.
Saulsberry, SPCM 1979/4429 - Feb. 80 at 41.
Woodson, SPCM 1980/4650 - Aug. 80, at 27.

-R-**Relford**

Duquette, SPCM 1980/4733 - Sep. 80, at 43.

Res Judicata

Harris, SPCM 1980/4752 - Sep. 80, at 44.

-S-**Search & Seizure**

Cruckson, SPCM 1979/4507 - Jan. 80, at 25.
Harris, SPCM 1980/4752 - Sep. 80, at 44.
Martin, SPCM 1980/4691 - Sep. 80, at 42.
Saulsberry, SPCM 1979/4492 - Feb. 80, at 41.
Woodson, SPCM 1980/4650 - Aug. 80, at 27.

Self-Defense

Nunez, SPCM 1980/4632 - May 80, at 60.

Sentencing

Chapel, SUMCM 1979/4439 - Dec. 79, at 19.
Prothero, SPCM 1979/4530 - Jan. 80, at 27.
Smith, SPCM 1979/4594 - Apr. 80, at 29.

-V-**Variance**

Henning, SUMCM 1979/4565 - Mar. 80, at 13.

**Index of
 Legal Assistance Items
 The Army Lawyer**

December 1979—November 1980 Issues

-A-**Acceleration Clauses**

See Truth in Lending

Adoption

New Legislation (Iowa, Access to Medical and Family History) Oct. 80, at 23.

Alimony

Alimony (Maryland, URESA) Aug. 80, at 25.

Divorce (Minnesota, Restitution) Aug. 80, at 26.

New Legislation (Oklahoma, Cohabitation) Aug. 80, at 26.

New Legislation (Virginia, Cohabitation) Oct. 80, at 23.

New Legislation (New York, Rehabilitative Alimony) Oct. 80, at 23.

New Legislation (Maryland, Rehabilitative Alimony) Nov. 80, at 12.

-B-

Bankruptcy

Consumer Law (Fresh Start Rights, Pennsylvania Financial Responsibility Law) Sep. 80, at 36

Fresh Start Rights (Informal Collection) Oct. 80, at 21.

Blood Tests

New Legislation (Iowa, Paternity) Oct. 80, at 23.

Paternity (New Jersey, HLA Blood Test) Aug. 80, at 26.

-C-

Child Care Expense

Taxation (Federal Income Tax) Jun. 80, at 29.

Child Custody

See Custody

Child Support

New Legislation (Hawaii, Enforcement) Aug. 80, at 27.

New Legislation (Alabama, State Parent Locator Office) Oct. 80, at 23.

Cohabitation

See Alimony

Consumer Law

Bankruptcy (Fresh Start Rights, Pennsylvania Financial Responsibility Law) Sep. 80, at 36.

Bankruptcy (Fresh Start Rights, Informal Collection) Oct. 80, at 21.

Equal Credit Opportunity Act, Feb. 80, at 44.

Fair Debt Collection Practices Act, Jun. 80, at 33.

Fair Credit Reporting Act, Apr. 80, at 38.

Truth in Lending (Business Purposes) Feb. 80, at 44.

Truth in Lending (Regulation Z, Damages) Mar. 80, at 13.

Truth in Lending (Security Interests) Mar. 80, at 14.

Truth in Lending (Regulation Z, Disclosure Violation) Apr. 80, at 37.

Truth in Lending (Acceleration Clauses) May 80, at 63.

Truth in Lending (Simplification and Reform Act) Jun. 80, at 33.

Custody

New Legislation (Louisiana, Presumptions) Aug. 80, at 27.

New Legislation (Alabama, Tennessee, Kentucky, UCCJA), Aug. 80, at 27.

New Legislation (North Dakota, Presumptions) Jan. 80, at 30.

Removal from Jurisdiction (Illinois, New York) Oct. 80, at 22.

Third-Party Intervention (Nebraska) Oct. 80, at 22.

-D-

Day Care Centers

See Labor Law

Decedents' Estates

Decedents' Estates and Survivors' Benefits (Dependency and Indemnity Compensation) Feb. 80, at 44.

Trusts (Retained Powers of Settlor, Taxation) Oct. 80, at 22.

Divorce, Grounds for

Divorce (Pennsylvania, Law Reformed) Aug. 80, at 25.

Divorce (Delaware, Incompatability) Aug. 80, at 26.

New Legislation (South Carolina, Law Amended) Jan. 80, at 30.

Domestic Relations

See Family Law, Divorce (Grounds for), Child Support, Adoption, Custody, Property Settlements, Alimony, Visitation, Paternity, Blood Tests, Illegitimate Children, Child Care Expense, Soldiers' and Sailors' Civil Relief Act.

-E-**Equal Credit Opportunity Act**

Consumer Law (Discrimination) Feb. 80, at 44.

-F-**Fair Debt Collection Practices Act**

Annual Report to Congress, Jun. 80, at 33.

Fair Credit Reporting Act

Consumer Report Defined, Apr. 80, at 38.

Family Law

See also Adoption, Alimony, Blood Tests, Child Care Expenses, Child Support, Custody, Divorce (Grounds for), Illegitimate Children, Paternity, Property Settlements, Soldiers' and Sailors' Civil Relief Act, Visitation.

Alimony (Maryland) Aug. 80, at 25.

Custody (Nebraska) Oct. 80, at 22.

Custody (Illinois) Oct. 80, at 22.

Custody (New York) Oct. 80, at 22.

Divorce (Pennsylvania) Aug. 80, at 25.

Divorce (Minnesota) Aug. 80, at 26.

Divorce (Delaware) Aug. 80, at 26.

Divorce (Montana) Aug. 80, at 27.

Divorce (California) Aug. 80, at 26.

Domestic Relations (Texas) Mar. 80, at 13.

Family Law (Texas) Jan. 80, at 29.

Illegitimate Children (Michigan) Mar. 80, at 14.

New Legislation (Alabama) Oct. 80, at 23.

New Legislation (Iowa) Oct. 80, at 23.

New Legislation (North Carolina) Oct. 80, at 23.

New Legislation (Rhode Island) Oct. 80, at 23.

New Legislation (Virginia) Oct. 80, at 23.

New Legislation (New York) Oct. 80, at 23.

New Legislation (Nebraska) Oct. 80, at 23.

New Legislation (Hawaii) Aug. 80, at 27.

New Legislation (Louisiana) Aug. 80, at 27.

New Legislation (Alabama) Aug. 80, at 27.

New Legislation (Tennessee) Aug. 80, at 27.

New Legislation (Kentucky) Aug. 80, at 27.

New Legislation (Oklahoma) Aug. 80, at 27.

New Legislation (North Dakota) Jan. 80, at 30.

New Legislation (Georgia) Jan. 80, at 30.

New Legislation (South Carolina) Jan. 80, at 30.

New Legislation (Maryland) Nov. 80, at 12.

Paternity (New Jersey) Aug. 80, at 26.

Property and Divorce (Oregon) Aug. 80, at 26.

Federal Income Tax

Child Care Expense, Jan. 80, at 29.

-I-**Illegitimate Children**

Illegitimate Children (Michigan, Rights of Child) Mar. 80, at 14.

Paternity (New Jersey, HLA Blood Test) Aug. 80, at 26.

New Legislation (Iowa, Blood Tests) Oct. 80, at 23.

New Legislation (North Carolina, Paternity) Oct. 80, at 23.

Implied Warranty of Habitability

Real Property (Wyoming) Jan. 80, at 29.

Incompatibility

See Divorce, Grounds for

Irretrievable Breakdown

See Divorce, Grounds for

-L-

Labor Law

Federal Labor Relations (Federal Labor Relations Authority, Scope of Bargaining, Petition) Sept. 80, at 35.

Federal Labor Relations (Scope of Bargaining, Day Care Centers) Sep. 80, at 35.

Federal Labor Relations (Federal Labor Relations Authority, Policy Determination) Sept. 80, at 36.

Lawaway Plans

See Truth in Lending

-P-

Paternity

HLA Blood Test (New Jersey) Aug. 80, at 26.

Illegitimate Children (Michigan) Mar. 80, at 14.

New Legislation (Iowa, Blood Tests) Oct. 80, at 23.

New Legislation (North Carolina, Recording) Oct. 80, at 23.

Property Settlements

Divorce (Minnesota, Restitution) Aug. 80, at 26.

Divorce (California, Retirement Benefits) Aug. 80, at 26.

Divorce (Montana, Retirement Benefits) Aug. 80, at 27.

Domestic Relations (Texas, Military Disability Benefits) Mar. 80, at 13.

New Legislation (New York, Rehabilitative Alimony) Oct. 80, at 23.

New Legislation (Nebraska, Retirement Benefits) Oct. 80, at 23.

Property and Divorce (Oregon, Retirement Benefits) Aug. 80, at 25.

Property Settlements (Texas, Readjustment Pay) Jan. 80, at 29.

-R-

Real Property

Buying and Selling (Wyoming, Implied Warranty) Jan. 80, at 29.

-S-

Soldiers' and Sailors' Civil Relief Act

Soldiers' and Sailors' Civil Relief Act (New Mexico, Contempt) Jan. 80, at 29.

Support

See Child Support, Alimony

Survivors' Benefits

Decedents' Estates and Survivors' Benefits (Dependency and Indemnity Compensation) Feb. 80, at 44.

-T-

Taxation

Child Care Expense (Federal Income Tax) Jan. 80, at 29.

Trusts (Retained Powers of Settlor) Oct. 80, at 22.

Trusts

Retained Powers of Settlor (Taxation) Oct. 80, at 22.

Truth in Lending

Consumer Law (Business Purposes) Feb. 80, at 44.

Consumer Law (Simplification and Reform Act) Jun. 80, at 33.

Consumer Law (Acceleration Clauses) May 80, at 63.

Regulation Z (Damages) Mar. 80, at 13.

Regulation Z (Disclosure Violation) Apr. 80, at 37.

Regulation Z (Layaway Plans) Sept. 80, at 34.

Security Interests, Mar. 80, at 14.

Self-Representation and Attorney's Fee Awards, Sep. 80, at 34.

-U-**Uniform Reciprocal Enforcement of Support Act**

Alimony (Maryland) Aug. 80, at 25.

-V-**Veterans**

See Survivors' Benefits

Visitation

New Legislation (Rhode Island, Grandparents) Oct. 80, at 23.

Soldiers' and Sailors' Civil Relief Act (New Mexico, Contempt) Jan. 80, at 29.

-W-**Warranties**

See Real Property, Implied Warranty of Habitability

Widows

See Survivors' Benefits

By Order of the Secretary of the Army:

E. C. MEYER
General, United States Army
Chief of Staff

Official:

J.C. PENNINGTON
Major General, United States Army
The Adjutant General